

JONATHAN O. PENA, ESQ.
CA Bar ID No. 278044
Peña & Bromberg, PLC
2440 Tulare St., Suite 320
Fresno, CA 93721
Telephone: 559-412-5390
Fax: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT RIVAS,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

Case No. 1:22-cv-00815-JLT-BAM

STIPULATED MOTION AND
~~PROPOSED~~ ORDER FOR
EXTENSION OF TIME

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from December 15, 2022 to February 13, 2023, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. In the months of May through July 21, 2022, Counsel has received an influx of Social Security Certified Administrative Records (CAR). A review of the records received shows

1 Counsel has received at least 50 CARs, the majority of which were filed in June
2 2022. This has caused an unusually large number of cases that have merit briefs
3 due in the months of August and September. For the months of September and
4 October 2022, we have received an additional 39 CARs.

5 For the weeks of December 5, 2022 and December 12, 2022, Counsel
6 currently has 15 merit briefs, and several letter briefs and reply briefs. Additional
7 time is needed to thoroughly brief this matter for the Court. Also, as previously
8 reported, Counsel for Plaintiff underwent major orthopedic surgery in March 2022,
9 requiring significant physical therapy. This has required Plaintiff's counsel to take
10 time off during the work week and work months since then. Although much
11 improved, Counsel still participates in regular physical therapy two to three times
12 per week.

13 Lastly, Counsel for Plaintiff is currently taking partial leave as his child was
14 born on October 14, 2022. Thus, Counsel is working limited hours for the months
15 of December 2022 and January 2023.

16 Defendant does not oppose the requested extension. Counsel apologizes to
17 the Defendant and Court for any inconvenience this may cause.

18
19 Respectfully submitted,

20 Dated: December 5, 2022 PENA & BROMBERG, ATTORNEYS AT LAW

21
22 By: /s/ Jonathan Omar Pena
23 JONATHAN OMAR PENA
24 Attorneys for Plaintiff

25
26 Dated: December 5, 2022 PHILLIP A. TALBERT
27 United States Attorney
28 MATHEW W. PILE

Associate General Counsel
Office of Program Litigation
Social Security Administration

By: */s/ Caspar Chan
Caspar Chan
Special Assistant United States Attorney
Attorneys for Defendant
(*As authorized by email on Dec. 5, 2022)

ORDER

Pursuant to the parties' stipulation and cause appearing, Plaintiff's second request for an extension of time to file a Motion for Summary Judgment is GRANTED. Plaintiff shall file a Motion for Summary Judgment on or before February 13, 2023. All other deadlines in the Court's Scheduling Order are modified accordingly. No further extensions of time will be granted absent a demonstrated showing of good cause.

IT IS SO ORDERED.

Dated: December 7, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE